



MICHAEL S. YENNI
MAYOR

CITY OF KENNER
OFFICE OF THE CITY ATTORNEY AM 10:15

MICHAEL J. POWER
INTERIM CITY ATTORNEY

November 4, 2014

Ms. Kathleen Allen
Louisiana Ethics Administration Program
Post Office Box 4368
Baton Rouge, LA 70821

Dear Ms. Allen,

I am submitting the following factual scenario to you for the purpose of obtaining an advisory opinion from the Board of Ethics.

City employs licensed attorneys to prosecute violations of City's Code of Ordinances – including domestic violence cases. Such prosecutions occur in City's Mayor's Court. In effort to curb future instances of domestic violence, City has approved the utilization of anger management and mental health programs as part of its pre-trial diversion program. Defendants, who are offered and elect to participate in a pre-trial diversion program, must attend an approved program conducted by instructors certified in the Duluth Curriculum. Pre-trial diversion participants may then choose from a number of approved providers, and participants are responsible for paying all necessary costs associated with the program directly to the provider.

City employs a part-time prosecutor who is certified in the Duluth Curriculum. The question presented to you for review is as follows: May part-time prosecutor, who does not participate in the prosecution of domestic violence cases, be an approved provider from which City's pre-trial diversion participants may select from?

While considering this request, I respectfully draw your attention to a similar situation considered by the Board of Ethics. In Ethics Board Docket No. 2008-362, the Board considered whether or not Mr. Buquoi, an Assistant District Attorney assigned to represent the Parish of Ascension's legal interests, may enter into a contract with Ascension Parish to provide the Parish with title insurance on substantial land purchases. The Board concluded that Mr. Buquoi was not prohibited from doing so, "so long as another attorney represents the District in overseeing the proposed contract Mr. Buquoi will enter into with Ascension Parish and, that Mr. Buquoi does not otherwise assist the Parish in its management of the proposed contract."¹

¹ Ethics Board Docket No.: 2008-362

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Please contact me if I may provide you with additional information. Your attention to this matter is sincerely appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Power", written over a horizontal line.

MICHAEL J. POWER

Interim City Attorney